IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Con.Case(C).No. 659 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.2692/2005

.....

PETITIONER

K.T.FRANCIS, S/O.LATE THOMAS,
AGED 64 YEARS, RESIDING AT KOORANKALLUKARAN
HOUSE, KIDANGOOR VILLAGE, ANGAMALY, ALUVA TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.WILSON URMESE

RESPONDENT:

SRI.GOPALA KRISHNA PILLAI,
S/O.NOT KNOWN TO THE PETITIONER, AGED ABOUT
45 YEARS, MUNICIPAL ENGINEER IN CHARGE OF
THE SECRETARY, ANGAMALY MUNICIPALITY,
ANGAMALY.

BY ADV. SRI.V.M.KURIAN,SC FOR ANGAMALAY MUNCPTY.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

Cont. Case (C).No.659 OF 2007

Dated this the 12th day of July, 2007

JUDGMENT

This case is filed on the allegation that amounts due to the petitioner under a contract have not been fully released following the directions contained in Annexure A1 judgment. The contention of the respondent that a vigilance case was pending no more survives in view of the facts noticed in para (2) of that judgment. But, it is the assertion of the respondent in the counter affidavit that an amount of Rupees Six Lakhs, claimed as tender excess, cannot be paid because such a claim is on the basis of market rated items while, according to the petitioner, the items referred are tendered items. I do not deem it appropriate to adjudicate any such controversy within the province of jurisdiction under the Contempt of Courts Act. I do not find any wilful disobedience of the directions contained in the judgment.

The contempt case is hence close without prejudice to the right of the petitioner to work out his remedies before the appropriate forum or to amicably settle the matter with the respondent.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.